

REGION 4 ATLANTA FEDERAL CENTER 61 FORSYTH STREET ATLANTA, GEORGIA 30303-8960

FEB 13 2009

Via Email and First Class Mail

Mr. James A. Santory, Director Environmental Health and Safety Calgon Carbon Corporation 500 Calgon Carbon Drive Pittsburgh, Pennsylvania 15205

SUBJ: Notice of Acceptability under the CERCLA Off-Site Rule

Calgon Carbon Corporation - Big Sandy Plant EPA ID Number KYD 005 099 923

Dear Mr. Santory:

The U.S. Environmental Protection Agency (EPA), Region 4, has made an affirmative determination of acceptability for the receipt of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes at the Calgon Carbon Corporation (Calgon), Big Sandy Plant (the "Facility") located at US Route 23 South in Catlettsburg, Kentucky. The CERCLA Off-Site wastes to which this Notice of Acceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule (OSR), 40 C.F.R. § 300.440.

On July 3, 2008, EPA issued a Notice of Unacceptability (NOU) to Calgon making the Facility unacceptable for the receipt of CERCLA Off-Site waste 60 days after the date of the letter. The NOU alleged that there were 30 items of violations at the Facility of the Resource Conservation and Recovery Act (RCRA). Pursuant to the OSR, Calgon requested an informal conference with EPA. Prior to and at the conference, Calgon provided written documentation on all of the 30 items detailing the actions that the company had taken or was taking to come into compliance. Based upon Calgon's submittal of the initial set of written documents, its presentation at the informal conference, and its subsequent submittal of documents, communications and discussions with EPA, EPA granted two extensions with a final extension extending the determination of unacceptability until February 11, 2009. The final extension was based upon Calgon completing the "Certification of Closure of the Furnace Feed Tank." On January 22, 2009, Calgon submitted said certification and thereby has returned to physical compliance for the alleged items of violations and/or releases in the NOU.

In addition, Calgon has agreed that it will continue to manage the bag house dust generated by the Carbon Regeneration Unit's air pollution control system and the spent material from the venturi scrubber, as hazardous waste. In addition, Calgon agrees that it will not sell nor transport to any facility other than a permitted Subtitle C treatment, storage or disposal facility,

the carbon sediment dredged from its storm water lagoons. Calgon by its above agreement is not waiving its rights to assert what it believes to be the correct interpretation of EPA rules as to either of the materials described in this paragraph.

Therefore, subject to the paragraph above, Calgon's Big Sandy Plant is determined to be acceptable for the receipt of CERCLA Off-Site waste upon the date of this Notice of Acceptability.

Please note that this determination is subject to the accuracy and completeness of the information provided by both facility representatives and regulatory personnel. Additionally, EPA would like to make it clear that this affirmative determination of acceptability does not, and cannot, grant any facility the right or authority to exceed any conditions of its permits or licenses, receive any waste not allowed by its permits or licenses; or violate any local, state or federal law, rule, regulation or ordinance. Specifically, this determination does not supersede, limit, conflict with or set aside the requirements of any environmental program.

Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Please note that the CERCLA Off-Site status for a facility is dynamic in nature and is subject to change. If you have any questions concerning this matter, please contact Michael Newton of my staff at (404) 562-9567.

Sincerely,

A. Stanley Meiburg

Acting Regional Administrator

cc: John P. Englert, Esquire

Kirkpatrick & Lockhart Preston Gates Ellis LLP

Valerie Hudson, Acting Commissioner, KDEP

Anthony R. Hatton, Director, Division of Waste Management, KDEP Jeffery Cummins, Acting Director, Division of Enforcement, KDEP



REGION 4 ATLANTA FEDERAL CENTER 61 FORSYTH STREET ATLANTA, GEORGIA 30303-8960

JAN - 9 2009

Via Email and First Class Mail

John P. Englert, Esquire Kirkpatrick & Lockhart Preston Gates Ellis LLP Henry W. Oliver Building 535 Smithfield Street Pittsburgh, Pennsylvania 15222-2312

Dear Mr. Englert:

This letter is in response to your letter of January 6, 2009, requesting a further extension of the date of unacceptability of the Calgon Carbon Corporation - Big Sandy Plant (Calgon). Pursuant to the previous extension of time granted, Calgon will become unacceptable on January 9, 2009, unless this additional extension is granted. During the previous two extensions of time granted, Calgon has corrected all but one of the violations cited in the Notice of Unacceptability, i.e., EPA Item 17 relating to closure of the furnace feed tank that Calgon removed from service. For that remaining violation, Calgon has committed to complete the actions necessary to correct that violation within the next 30 calendar days.

EPA hereby grants a final extension of the date of unacceptability until February 11, 2009. On or before that date, Calgon shall submit a certification that Calgon has completed the action described above to:

> Caroline Y. F. Robinson, Chief RCRA and OPA Enforcement and Compliance Branch RCRA Division U.S. EPA - Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-8960

If you have any questions concerning this letter, please contact Michael Newton, Associate Regional Counsel, at (404) 562-9567.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

Anthony R. Hatton, KDEP, Director, Division of Waste Management cc: Jeffery Cummins, KDEP, Acting Director, Division of Enforcement



REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV -3 2008

John P. Englert, Esquire Kirkpatrick & Lockhart Preston Gates Ellis LLP Henry W. Oliver Building 535 Smithfield Street Pittsburgh, Pennsylvania 15222-2312

Dear Mr. Englert:

This letter is in response to your letter of October 28, 2008, requesting a further extension of the date of unacceptability of the Calgon Carbon Corporation - Big Sandy Plant (Calgon). Pursuant to the first extension of time, Calgon will become unacceptable on November 3, 2008, unless this additional extension is granted. During the first extension of time, Calgon corrected most of the violations cited in the Notice of Unacceptability. For the remaining violations, Calgon has committed to actions that will address the violations but needs additional time to implement those actions.

EPA hereby grants an extension of the date of unacceptability until January 9, 2009, provided Calgon complies with the following conditions:

- 1. If there are any delays in the schedules provided to EPA for the planned work on the hazardous spent carbon storage tank vent system, the development of the React furnace feed batch testing program, and the permit modification submittals, Calgon shall by no later than the next business day notify EPA by telephone of such delay, the steps Calgon is taking to minimize the delay and when the delay will end. A written report shall be submitted within two business days.
- Calgon shall simultaneously submit to EPA and the Kentucky Department for Environmental Protection a copy of all permit modification submittals and related documents.
- 3. On December 17, 2008, Calgon shall submit to EPA a status report on the planned work on the hazardous spent carbon storage tank vent system and the development of the React furnace feed batch testing program.
- 4. At the same time that it submits its status report, Calgon shall provide EPA with copies of all manifests for shipments of soda ash residue, bag house residue and/or lagoon sediments that have occurred since September 1, 2008.

Notifications and submittals to EPA shall be made to:

William Kappler
North Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA- Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960
404-562-8498

If you have any questions concerning this letter, please contact Michael Newton, Associate Regional Counsel at (404) 562-9567.

Sincerely,

J. I. Palmer, Jr.

Regional Administrator

cc: Anthony R. Hatton, KDEP, Director, Division of Waste Management Susan Green, KDEP, Director, Division of Enforcement



P.O. Box 717 • Pittsburgh, PA 15230-0717 • 412.787.6700 www.calgoncarbon.com

PH: 412.787.6838 FX: 412.787.6717

August 14, 2008

VIA E-MAIL AND FEDEX

Mr. Edmond Burks
United States Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Re: CERCLA Off-Site Rule Notice of Unacceptability Calgon Carbon Corporation — Big Sandy Plant EPA ID Number KYD 005 099 923

Dear Mr. Burks:

I enclose for your review Calgon Carbon Corporation's written comments on the above-referenced Notice of Unacceptability that we received on July 14, 2008. The Notice identified 30 items of noncompliance, of which 5 are identified as releases of hazardous waste. We believe that the enclosed responses address at least 20 of the noncompliance items, either fully or on and interim basis, with permanent measures pending determination of whether a modification of the Part B permit will be required. The five items identified as involving releases of hazardous waste are among those that we believe have been addressed, and there are no ongoing releases.

The remaining 10 items warrant further discussion to determine what actions are necessary to either address EPA's concern or to document that the concerns have been addressed. Several of these items involve issues unique to carbon reactivation, and several others involve inspection forms that differ from those in the latest version of the Part B permit, which is almost 13 years old.

We have provided written responses to each of the issues. Where appropriate, we have provided supporting documentation. As directed by EPA Counsel Deborah Benjamin through our outside counsel, we have incorporated by reference information

The items we believe have been fully addressed are: 1, 3-8, 10-13, 16, 20-22 and 30. The items addressed on an interim basis, with permanent measures pending determination of whether a permit modification is required are: 2, 9, 14 and 17. We would like to discuss the remaining items (15, 18, 19, and 23-29) with EPA to determine appropriate measures to address these issues.

that was previously provided to EPA. We ask that EPA consider such information as if it is fully stated in the responses.

We are providing these comments in advance of our meeting on August 25, 2008, with the hope that we can quickly agree on many of the items raised in the Notice, and focus attention on the remaining items. We expect that EPA may disagree with some of our determinations, but ask that in such cases we focus on identifying the specific information or actions that will resolve the issue. We would also like to discuss the relevance of the violations and releases identified in the Notice to the Reactivation Plant's acceptability to receive CERCLA Offsite Rule wastes.

Given the short period of time between our meeting on August 25, and the September 1 effective date for the Unacceptability Determination (only four business days), Calgon renews its request for a 60 day extension to allow time after the meeting to resolve any remaining issues.

We look forward to your prompt response and to our meeting on August 25th.

Very truly yours,

James Santory

Director - Environmental, Health, and Safety

cc:

Deborah S. Benjamin, Esquire (with enclosure)

William Kappler (with enclosure)

K&L GATES

Kirkpatrick & Lockhart Preston Gates Ellis LLP Henry W. Oliver Building 535 Smithfield Street Pittsburgh, PA 15222-2312

т 412.355.6500

www.klgates.com

July 25, 2008

John P. Englert

D 412.355.8331 F 412.355.6501

john.englert@klgates.com

VIA E-MAIL AND MAIL

Mr. Edmond Burks
United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Re:

CERCLA Of-Site Rule Notice of Unacceptability Calgon Carbon Corporation – Big Sandy Plant EPA ID Number KYD 005 099 923

Dear Mr. Burks:

On behalf of Calgon Carbon Corporation I am requesting an extension to the effective date of the above-referenced Unacceptability Determination. Calgon is requesting this extension because of delays in receiving notification of the Unacceptability Determination and in scheduling the informal conference with EPA.

Calgon first learned that a CERCLA Unacceptability Determination letter was going to be issued during a telephone call from Caroline Robinson of EPA Region 4 to James Santory, Calgon's Director of Environmental Safety and Health on July 3, 2008. At the time Mr. Santory was on vacation and had to be reached on his cell phone. By July 14, Calgon still had not received the Unacceptability Determination. That afternoon Mr. Santory informed Ms. Robinson of this via e-mail, and requested an informal conference to discuss the Unacceptability Determination. Late that afternoon Ms. Robinson replied to Mr. Santory's e-mail, accepting his request for a meeting and transmitting an electronic version of the Unacceptability Determination letter. This was Calgon's first opportunity to review the contents of the letter, and it was then that Calgon learned that the letter was dated July 3, 2008. The letter was finally delivered by Certified Mail on July 16, with the postmark indicating that it had not been mailed until July 9, 2008.

Also on July 14, I submitted a letter on behalf of Calgon to Deborah Benjamin, requesting a meeting with EPA to discuss the Unacceptability Determination. Ms. Benjamin responded via e-mail on July 15 that she was determining the availability of the EPA representatives and would contact me with proposed dates and times for a meeting. On July 22, Ms. Benjamin called to inform me that the earliest EPA could meet with Calgon to discuss this

K&L GATES

Edmond Burks July 25, 2008 Page 2

matter was August 25, 2008 at 10:30 A.M. Given no earlier options, Calgon accepted that meeting date.

As it now stands, Calgon will not have the opportunity to meet with EPA to discuss the Unacceptability Determination until 53 days into the 60 day period provided in the notification letter. That leaves only four business days and only six calendar days until the Unacceptability Determination goes into effect on September 1, 2008. Clearly that is not enough time for Calgon or EPA to follow-up on issues discussed during the meeting that could obviate the need for the Unacceptability Determination. Accordingly, Calgon is requesting an additional 60 days, to October 31, 2008, to demonstrate that the spent carbon reactivation facility at Calgon's Big Sandy Plant is acceptable to continue receiving CERCLA Off-site Rule wastes.

We look forward to your prompt response.

Very truly yours,

Chy Cent

John P. Englert

JPE/tah

cc:

Deborah S. Benjamin, Esquire William Kappler



REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL - 3 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James A. Santory
Director - Environmental, Health and Safety
Calgon Carbon Corporation
Post Office Box 717
Pittsburgh, Pennsylvania 15230-0717

RE: CERCLA Off-Site Rule: Notice of Unacceptability for

Calgon Carbon Corporation - Big Sandy Plant

EPA ID Number KYD 005 099 923

Dear Mr. Santory:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 4, has determined that conditions may exist at the Calgon Carbon Corporation - Big Sandy Plant (Calgon) located at US Route 23 South in Catlettsburg, Kentucky, which may render this facility unacceptable for the receipt of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Off-Site Rule (OSR) waste. The OSR waste to which this Notice of Unacceptability applies is defined as that waste generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of such OSR waste by facilities is regulated by the OSR found at 40 CFR §300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

This determination of unacceptability will become effective 60 calendar days from the date on this notice if EPA finds that the relevant violations and/or releases alleged in this notice are continuing. If this notice goes into effect, the Calgon facility in Catlettsburg, Kentucky, will remain unacceptable for the receipt of OSR waste until such time as EPA notifies the owner/operator otherwise.

On September 20 and 21, 2005, EPA and the Kentucky Department for Environmental Protection (KYDEP) conducted a multi-media inspection at the Calgon facility located in Catlettsburg, Kentucky. EPA has mailed to you a Resource Conservation and Recovery Act (RCRA) inspection report (the EPA report) detailing the findings from that inspection. Additionally, EPA issued Calgon two Information Requests pursuant to Section 3007 of RCRA on November 16, 2005, and May 25, 2006. EPA and Calgon representatives met on April 17, 2007, and December 10, 2007, to discuss the findings of the inspection. Calgon submitted its written response to EPA's inspection findings in April, May, June, and December 2007. The EPA report, the 3007 letters with your answers, and your written responses are hereby incorporated by reference.

The EPA report, in conjunction with the two 3007 letters, and written responses reveal the following relevant violations and/or releases:

- (1) In the Thaw Building inspectors found 69 containers that were not marked with the date storage began. (See pages 6 and 7 of the EPA report.) Those 69 containers represent approximately 75 tons of hazardous waste that was not properly marked pursuant to Permit Condition II.I.9, 40 CFR §268.50, and 401 KAR 37:050 Section 1(b)(1).
- (2) Two 20,000 gallon containers stored in the Thaw Building are not permitted for storage in this building. (See page 7 of the EPA report.) This violates Permit Condition II.I.1.b.
- (3) The concrete containment system in the Thaw Building was observed to have cracks, and the previously repaired cracks were discovered to have deteriorated. (See pages 6 and 7 of the EPA report.) This condition does not meet the requirements to have an impervious barrier between the waste and the environment to contain leaks, spills, and accumulated precipitation as required by Permit Conditions II.I.6, 40 CFR §264.175(b)(1) and 401 KAR 34:180 Section 6(2)(a).
- (4) The deteriorated condition of the Thaw Building concrete containment system demonstrates that this system has not been maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil as required by Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2. (See page 7 of the EPA report.)
- (5) In the Carbon Regeneration Unit Container Storage Yard inspectors found tensional 1,000-pound containers of hazardous waste that were not marked with the date storage began. (See page 8 of the EPA report.) This is a violation of Permit Condition II.1.9, 40 CFR §268.50, and 401 KAR 37:050 Section 1(b)(1).
- (6) In the Carbon Regeneration Unit Container Storage Yard, which is a permitted outdoor storage area, inspectors observed cracks in the paving, and discovered that the repairs to previously repaired cracks had deteriorated. (See page 8 of the EPA report.) This condition does not meet the requirements to have an impervious barrier between the waste and the environment to contain leaks, spills, and accumulated precipitation as required by Permit Conditions II.I.6, 40 CFR §264.175(b)(1) and 401 KAR 34:180 Section 6(2)(a).
- (7) The deteriorated condition of the paving for the Carbon Regeneration Unit Container Storage Yard demonstrates that this paving has not been maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil as required by Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2. (See page 8 of the EPA report.)

- In the 90 Day or Less Accumulation Area, inspectors observed a release of hazardous (8)waste from a container marked, "Hazardous Waste." (See page 9 of the EPA report.) Furnace hearth slag had spilled from a 20- to 30-cubic yard container onto and near to cracks in the paved surface. Both the release of hazardous waste and the cracks in the paved surface are a violation of Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2 which require this storage area to be maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil. Additionally, this constitutes a release of hazardous waste.
- Releases of hazardous waste from the open vents of tanks D-701, D-702 and D-704 (9) of the permitted Hazardous Waste Tanks in Area B were discovered by inspectors. (See page 12 of the EPA report.) This is a violation of Permit Condition II.C.1, 40 CFR §264.31, and 401 KAR 34:030 Section 2. Additionally, this constitutes a release of hazardous waste.
- Permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) were found by inspectors to not be operating under negative pressure which resulted in a release of hazardous waste to the environment. (See page 12 of the EPA report.) This release of hazardous waste is a violation of Permit Condition II.C.1, 40 CFR §264.31 and 401 KAR 34:030 Section 2 which require these tanks to be maintained to minimize the possibility of a sudden or non-sudden release of hazardous waste or hazardous waste constituents to the soil. Additionally, this constitutes a release of hazardous waste.
- Permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) were found by inspectors not being operated and maintained at a pressure below atmospheric pressure. (See pages 14 and 15 of the EPA report.) This is a violation of 40 CFR §265.1033(j)(2).

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- DESCRIPTION OF THE PROPERTY OF THE PARTY. (12) The closed vent system for the permitted Hazardous Waste Tanks in Area B (D=70) through D-706 along with D-901 and D-902) was not monitored to ensure proper operation and maintenance. (See page 15 of the EPA report.) This is a violation of 40 CFR §265.1033(k)(1)(i-ii).
- Programmania Caro Company Caraco and a region of a For the permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) Calgon failed to determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with an organic concentration that equals or exceeds 10 percent by weight. (See page 15 of the EPA report.) This is a violation of 40 CFR §265.1063(d).
- Calgon failed to control air pollutant emissions from the permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902) as required by 40 CFR §265.1082(b), 40 CFR §265.1085(d)(3), and 40 CFR §265.1085(g). (See page 15 of the EPA report.) This is a violation of this regulation. Additionally, this constitutes a release of hazardous waste.

- Calgon failed to maintain adequate records for its permitted Hazardous Waste Tanks in Area B (D-701 through D-706 along with D-901 and D-902). (See page 16 of the EPA report.) This is a violation of 40 CFR §265.1090(e).
- Calgon failed to give notice to the Director of the closure of the furnace feed tank associated with its carbon regeneration unit. (See page 18 of the EPA report.) This is a violation of Permit Condition III.E.10; 401 KAR 38:040 Section 3(1)(d); and 40 CFR §270.42(a)(2), Appendix I, Section D.1.b.
- Calgon failed to submit an amended closure plan and close the furnace feed tank associated with its carbon regeneration unit. (See page 18 of the EPA report.) This is a violation of Permit Condition II.G.3; 401 KAR 34:070 Section 3; and 40 CFR §264.112(c).
- Calgon failed to bring its thermal treatment process to a steady state condition of operation before adding hazardous waste. (See pages 19 and 21 of the EPA report.) This is a violation of 40 CFR §265.373 and 401 KAR 35:250 Section 2.
- Calgon failed to sufficiently analyze previously untreated waste in its thermal process (19)in order to establish steady state or other appropriate operating conditions. (See page 20 of the EPA report.) This is a violation of 40 CFR §265.375 and 401 KAR 35:250 Section 3. Legisdosus, ..

rotation of 40%.

- godinikidikumiliyi inin ebazilimeza etemen eti Calgon failed to conduct the monitoring and inspection requirements as required by 40 CFR §265.377(a) and 401 KAR 35:250 Section 4. (See pages 20 and 21 of the EPA report!) This includes failure to monitor temperature and emission controls at least every 15 minutes, and to visually observe stack emissions, at least hourly, to inspect, at least daily, their thermal treatment process and associated equipment for leaks, spills and fugitive emissions. This is a violation of those regulations.
- k y history stanisticulies per us tealthis and insertificati (21)Calgon failed to determine if waste carbon on the ground next to the Carbon Regeneration Unit (CRU) building was a hazardous waste. (See page 22 of the EPA report.) This is a violation of 40 CFR §262.11 and 401 KAR 32:010.
- The same of the sa (22) Calgon released hazardous waste on the concrete floor of the CRU bag house area and on the paved areas outside of this building. (See page 23 of the EPA report.) This release of hazardous waste is a violation of 40 CFR §265.31 and 401 KAR 35:030 Section 2, which require the facility to be maintained to minimize the possibility of a sudden or nonsudden release of hazardous waste or hazardous waste constituents to the soil. Additionally, this constitutes a release of hazardous waste.
- Calgon failed to demonstrate the bag house dust generated by CRU's air pollution control system is an effective substitute for hydrated lime and failed to perform laboratory analysis on the bag house dust used as a product substitute. (See pages 23 and 24 of the EPA report.) This is a violation of 40 CFR §261.2(e)(1)(ii) and 401 KAR 31:010; and 401 KAR 35:020 Section 4(1)(a); and 40 CFR §265.13(a)(1).

- (24) Calgon failed to determine if carbon sediment dredged from storm water lagoons is hazardous waste by performing laboratory analysis on spent carbon sediment stored directly on the ground. (See page 25 of the EPA report.) This is a violation of 401 KAR 35:020 Section 4(1)(a); and 40 CFR §265.13(a)(1).
- (25) Calgon failed to document weekly inspections of its 90 Day or Less Storage Area for almost one year. (See pages 30 and 31 of the EPA report.) This is a violation of 401 KAR 35:020 Section 6(4).
- (26) Calgon failed to record inspections of hazardous waste containers in accordance with the requirements of RCRA Permit, Part VI, Attachment II, Section F-2(a). (See page 34 of the EPA report.) This is a violation of Permit Condition Part II, Section II.I.5, and Part VI, Attachment II, Section F-2(a).
- (27) Calgon failed to inspect the secondary containment system for tanks in Area B, at least daily, for almost one year. (See page 34 of the EPA report.) This is a violation of Permit Condition Part II.B.4, 40 CFR §264.195(b)(3), and 401 KAR 34:190 Section 6(2)(c).
- (28) Calgon failed to inspect its hazardous waste storage tanks in Area B as required by its permit in Part VI, Attachment II, Section F-2(a). (See page 35 of the EPA report.) This is a violation of their Permit in Part VI Attachment II Section F-2(a).
- (29) Calgon failed to document inspections for the tanks in Area B. (See page 35 of the EPA report) This is a violation of the requirements of RCRA Permit, Part VI; Attachment IV, Section F-2b(2), eactivation System Area B.
- (30) Calgon-failed to maintain in its operating records, Land Disposal Restriction notifications and certifications from June 2004 to October 2004. (See pages 36 and 37 of the EPA report.) This is a violation of Permit Condition IIIG.2, 40 CFR §264.73(11) and/or (12), and 401 KAR 34:050 Section 4(2)(k) and/or (1).

Such observations as described above demonstrate that conditions may exist at Calgon's Big Sandy Plant which render this facility unacceptable for the receipt of OSR waste. Therefore, EPA-must make the preliminary determination that Calgon is not acceptable for the receipt of such waste.

The OSR provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the rule. The written request for an informal conference must be made within 10 calendar days from the date of this notice.

Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than 30 calendar days after the date of this notice, if possible. During the informal conference Calgon may discuss with EPA the basis for the underlying violations and/or release, and their relevance to the facility's acceptability to receive OSR waste.

Calgon may submit written comments within 30 days from the date of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA during the 60 calendar days after the date of this notice.

If Calgon requests an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform Calgon of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an acceptable determination, the facility will become unacceptable on the 60th calendar day after issuance of the initial notice.

Within 10 calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, Calgon may request that the unacceptable determination be reconsidered by the Regional Administrator (RA). Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the RA. The reconsideration will be conducted within 60 calendar days of the date of the initial notice, if possible, and does not automatically stay the unacceptable determination beyond the 60-day period. The owner/operator will receive notice in writing of the decision of the RA.

In the event the unacceptable determination becomes effective, Calgon may then be considered for acceptability whenever EPA finds that it has fulfilled the criteria stated in 40 CF \$300,440(b) Upon such a finding, EPA shall notify Calgon in writin.

If you have any questions concerning this notice, please contact Edmond Burks by telephone at (404) 562-8587 or by e-mail at burks.edmond@epa.gov.

Sincerely Rose Special Control of the Sincerely

J. I. Palmer Jr.

Regional Administrator

cc: R. Bruce Scott, Commissioner, KYDEP
Anthony R. Hatton, Director, Division of Waste Management, KYDEP
Jeffrey Cummins, Acting Director, Division of Enforcement, KYDEP



REGION 4

345 COURTLAND STREET, N.E. ATLANTA, GEORGIA 30365

MAY 0 2 1995

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mary B. Loeffelholz Environmental Engineer Facilities Engineering Calgon Carbon Corporation P.O. Box 717 Pittsburgh, PA 15230-0717

SUBJ: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for Calgon Carbon Corporation, Big Sandy Plant, Catlettsburg, Kentucky.

EPA I.D. No. KYD 005 009 923

Dear Ms. Loeffelholz:

The U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at Calgon Carbon Corporation (Calgon), in Catlettsburg, Kentucky, EPA I.D. No. KYD 005 009 923. Pursuant to 40 C.F.R. § 300.440(a)(4), EPA has completed an assessment of Calgon and finds Calgon conditionally acceptable for the receipt of off-site waste. Such off-site wastes are defined as those wastes generated as a result of activities authorized pursuant to, or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, by adding Section 300.400, now known as the Off-Site Rule. This rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (no. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

This affirmative determination of Calgon is based upon compliance with the violations recited in the November 3, 1994, CERCLA Unacceptable Notice. EPA has received verbal notice from the Kentucky Department for Environmental Protection (KDEP), that Calgon is in compliance with the Resource Conservation and Recovery Act (RCRA).

To achieve full compliance with RCRA, the Unacceptable Notice required that Calgon immediately achieve compliance with outstanding violations and submit an adequate Waste Analysis Plan (WAP) for Calgon's Carbon Regeneration Unit pursuant to 40 C.F.R. § 265, Subpart P. Calgon has submitted a draft WAP for EPA's review pursuant to this requirement. However, it has come to EPA's attention that at the time the 40 C.F.R. Part 265, Subpart P violation was discovered (August, 1994, inspection), KDEP was not authorized for this portion of the regulations. This portion of the regulation does not become subject to Federal implementation until such time as the Commonwealth of Kentucky is authorized for this regulation. EPA will therefore not require Calgon to submit a revised WAP pursuant to Subpart P.

Not withstanding the authorization status of the Commonwealth of Kentucky, Calgon should be aware that a valid requirement exists for an adequate WAP under the Kentucky regulation. Calgon should work with Kentucky to ensure that Calgon is in compliance with all of the requirements of Kentucky's RCRA Program.

Calgon should be advised that this affirmation is conditional based upon full compliance with all RCRA regulations which include any State regulations, enforcement actions, and/or Notices of Violations. The Agency reserves the right to revisit this decision should any new information affecting this determination develop. If you should have any questions concerning this matter, please contact Larry Lamberth of the RCRA Compliance Section, at (404) 347-3555 ext. 6399.

Sincerely yours,

Joseph R. Franzmathes

Director

Waste Management Division

cc: Caroline P. Haight, KDEP
Edmond Burks, EPA Region 4, RCS
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